

House Study Bill 162 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to certain peace officer personal information
2 in the possession of local officials and including effective
3 date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 331.910 Limit of public access and
2 redaction of certain personal information — request.

3 1. Notwithstanding chapter 22, an eligible person may
4 file a written request approved and signed by the eligible
5 person's supervisor with a local official on a form prescribed
6 by the department of public safety, in consultation with
7 the Iowa county recorders association and the Iowa state
8 association of assessors, to prohibit the general public from
9 accessing the eligible person's name, residential address, and
10 telephone number, as identified by the eligible person, that
11 are contained in instruments, books, records, indexes, and
12 other information under the authority of the local official,
13 including information displayed for access on an internet site,
14 and including but not limited to books and records kept by the
15 county auditor under section 331.508, books and records kept
16 by the county recorder under section 331.607, assessment rolls
17 and records kept by the local assessor, and the portions of the
18 county system under the authority of the local official. An
19 eligible person may also request that the name, residential
20 address, and telephone number of any immediate family member
21 of the eligible person be restricted and redacted in the same
22 manner as the information of the eligible person.

23 2. a. Within fifteen days of receiving the request,
24 the local official shall redact the eligible person's name,
25 residential address, and telephone number, as identified by the
26 eligible person, from all instruments, books, records, indexes,
27 and other information kept by that local official and shall
28 ensure that such information does not appear in search results
29 on an internet site maintained by the local official.

30 b. The eligible person's name, residential address,
31 and telephone number redacted under paragraph "a" shall
32 be replaced, if possible, in each applicable instrument,
33 book, record, index, or other source of information, with a
34 substitute name, residential address, or telephone number, as
35 applicable. The substitute information shall be entered in the

1 instrument, book, record, index, or other source of information
2 so that the local official is able to identify the information
3 as a substitute.

4 c. The restriction on public access and the requirements
5 for redaction shall apply to instruments, books, records,
6 indexes, and other information in possession of the local
7 official at the time of the request and to instruments, books,
8 records, indexes, and other information received or contained
9 in documents or records prepared by the local official after
10 receiving the request.

11 3. This section shall not be interpreted to prohibit
12 access to the instruments, books, records, indexes, and other
13 information in possession of the local official by parties
14 to the instrument, a peace officer performing the officer's
15 official duties, an attorney or abstractor participating in the
16 title guaranty program under chapter 16, or an escrow agent, or
17 access required pursuant to a court order.

18 4. For purposes of this section:

19 a. "*Eligible person*" means a peace officer as defined in
20 section 801.4.

21 b. "Local official" means a county auditor, county
22 treasurer, county recorder, or local assessor.

23 c. "Supervisor" means the chief executive officer of the
24 peace officer's law enforcement agency.

25 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
26 3, shall not apply to this Act.

27 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29	EXPLANATION
----	-------------

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This bill provides that an eligible person may file a written
33 request approved and signed by the eligible person's supervisor
34 with one or more local officials to prohibit the general public
35 from accessing the eligible person's name, residential address,

1 and telephone number that are contained in instruments, books,
2 records, indexes, and other information under the authority
3 of the local official, including information displayed on
4 an internet site. The bill defines "eligible person" to be
5 a peace officer as defined in Code section 801.4. The bill
6 defines "local official" to mean a county auditor, county
7 treasurer, county recorder, or local assessor. The bill
8 defines "supervisor" as the chief executive officer of the
9 peace officer's law enforcement agency.

10 The bill also allows an eligible person to request that
11 the name, residential address, and telephone number of any
12 immediate family member of the eligible person be restricted
13 and redacted in the same manner as the information of the
14 eligible person.

15 The bill requires the local official to, within 15 days
16 of receiving a request, redact the eligible person's name,
17 residential address, and telephone number, as identified by the
18 eligible person, from all instruments, books, records, indexes,
19 and other information kept by that local official and ensure
20 that such information does not appear in search results on an
21 internet site maintained by the local official.

22 The bill requires that the eligible person's redacted
23 name, residential address, and telephone number be replaced,
24 if possible, with a substitute name, residential address, or
25 telephone number. The substitute information must be entered
26 in the instrument, book, record, index, or other source of
27 information so that the local official is able to identify the
28 information as a substitute.

29 The bill provides that the restriction on public access
30 and the requirement for redaction shall not be interpreted to
31 prohibit access to the instruments, books, records, indexes,
32 and other information in possession of the local official
33 by parties to the instrument, a peace officer performing
34 the officer's official duties, an attorney or abstractor
35 participating in the title guaranty program, or an escrow

1 agent, or access required pursuant to a court order.

2 The bill may include a state mandate as defined in Code
3 section 25B.3. The bill makes inapplicable Code section 25B.2,
4 subsection 3, which would relieve a political subdivision from
5 complying with a state mandate if funding for the cost of
6 the state mandate is not provided or specified. Therefore,
7 political subdivisions are required to comply with any state
8 mandate included in the bill.

9 The bill takes effect upon enactment.